

HOUSE BILL 2672
By Sontany

AN ACT relative to enacting the "Drug or Alcohol Impaired
Minor Responsibilities Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Drug or Alcohol Impaired
Minor Responsibilities Act".

SECTION 2.

(a) If any person at least eighteen (18) years of age willfully supplies alcoholic
beverages or illegal drugs to a person under eighteen (18) years of age, and such
alcoholic beverages or drugs cause the impairment of such person, then the person
supplying such alcohol or drugs shall be liable for death or injuries to persons or property
caused by the impairment of such person.

(b) A person, or the surviving spouse and next of kin of any person, who is
injured, in person or property, by an impaired person under the age of eighteen (18), and
a person under the age of eighteen (18) who is injured in person or property by an
impairment that was caused by alcoholic beverages or illegal drugs that were willfully
supplied by a person over eighteen (18) years of age, has a right of action in such
person's own name, jointly and severally, for damages against any person:

(1) Who, by willfully selling, giving, or delivering alcoholic beverages or
illegal drugs, causes or contributes to the impairment of the person under the age
of eighteen (18); or

(2) Who, by willfully permitting consumption of alcoholic beverages or
illegal drugs on non-residential premises owned or controlled by the person over

the age of eighteen (18), causes or contributes to the impairment of the person under the age of eighteen (18).

(c) An action for damages under this section is barred unless commenced within two (2) years after the cause of action accrues.

SECTION 3. A person entitled to bring an action under this act may recover all of the following damages:

(1) Economic damages, including, but not limited to, the cost of treatment and rehabilitation, medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, support expenses, accidents or injury and any other pecuniary loss proximately caused by the impairment of the person under the age of eighteen (18);

(2) Non-economic damages, including, but not limited to, physical and emotional pain, suffering, physical impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, services, and consortium, and other non-pecuniary losses proximately caused by the impairment of the person under the age of eighteen (18);

(3) Reasonable attorneys' fees;

(4) Costs of suit, including, but not limited to, reasonable expenses for expert testimony; and

(5) Punitive damages.

SECTION 4. Neither doctrine of contributory negligence nor contributory willful and wanton conduct shall apply to any injured party claiming damages under this act.

SECTION 5. A person may not bring an action under this act against a licensee, or employee of a licensee under § 57-3-204, who supplies alcoholic liquor to a person under

twenty-one (21) years of age for that act if the licensee or employee of the licensee complied with all applicable provisions of the law.

SECTION 6. This act shall take effect July 1, 2006 and applies only to causes of action that accrue on or after July 1, 2006.